

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LAVONTE MACK,

Plaintiff,

No. 18-12908

v.

District Judge Paul D. Borman
Magistrate Judge R. Steven Whalen

STATE FARM MUTUAL AUTOMOBILE
INSURANCE CO., ET AL.,

Defendants.

/

ORDER

Before the Court is Plaintiff's motion for leave to file a first amended complaint [Dkt. #28]. Plaintiff states that after the complaint was filed, and during the course of discovery, he learned that Cigna, an insurance company, had made numerous payments on his behalf, and he now seeks to add Cigna as a Defendant.

Where, as here, a plaintiff requires leave of the Court to amend his or her complaint, Fed.R.Civ.P. 15(a) provides that "leave shall be freely given when justice so requires." Motions to amend are addressed to the Court's discretion, and in deciding whether to allow an amendment, "the court should consider the delay in filing, the lack of notice to the opposing party, bad faith by the moving party, repeated failure to cure deficiencies by previous amendments, undue prejudice to the opposing party, and futility of amendment." *Perkins v. American Electric Power Fuel Supply, Inc.*, 246 F.3d 593, 605 (6th Cir. 2001).

Here, I find no bad faith, no undue delay, and no prejudice to the individual Defendants, who have not filed responses in opposition to this motion. On the other hand, Plaintiff would be prejudiced if precluded from joining Defendant Cigna.

Accordingly, Plaintiff's motion for leave to file first amended complaint [Dkt. #28] is GRANTED.

The proposed first amended complaint is appended to Plaintiff's motion. Plaintiff must file the first amended complaint as a separate document within 14 days of the date of this Order.

IT IS SO ORDERED.

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: February 11, 2019

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on February 11, 2019, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla
Case Manager to the
Honorable R. Steven Whalen